

Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 AGR-20 CEA-02 CIAE-00 COME-00

DODE-00 FRB-03 H-03 INR-11 INT-08 L-03 LAB-06 NSAE-00

NSC-07 PA-04 RSC-01 AID-20 CIEP-03 SS-20 STR-08

TAR-02 TRSE-00 USIA-15 PRS-01 SP-03 FEAE-00 OMB-01

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R 051230Z AUG 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 4168

UNCLAS OTTAWA 2473

POUCHED TO ALL CONSULS IN CANADA

PASS COMMERCE

E.O. 11652: N/A

TAGS: ETRD, CA

SUBJECT: PROPOSED REGULATIONS CONCERNING USE OF INDICATIONS OF
GEOGRAPHIC ORIGIN UNDER CANADIAN CONSUMER PACKAGING AND
LABELLING ACT

1. THOUGH USA DIVISION, DEPARTMENT OF INDUSTRY, TRADE AND COMMERCE,
(TIC), EMBASSY HAS OBTAINED COPY OF DRAFT REGULATIONS PROPOSED
UNDER AUTHORITY SECTION 18(1) (G) OF CONSUMER PACKAGING AND
LABELLING ACT CONCERNING USE OF INDICATIONS OF GEGRAPHIC ORIGIN.
PROPOSED REGULATIONS WERE TO BE PUBLISHED IN CANADA GAZETTE OF
JULY 27.

2. ACCORING TO EXPLANATORY COMMUNIQUE, PURPOSE OF DRAFT
REGULATIONS IS TO PROTECT CANADIAN CONSUMERS AGAINST DECEPTIVE
INDICATIONS OF GEOGRAPHIC ORIGIN, TO FULFILL CANADIAN OBLIGATIONS
UNDER GATT AND A NUMBER OF BILATERAL TREATIES, AND TO REGOGNIZE
SOME MULTILATERAL CONVENTIONS TO WHICH CANADA DOES NOT NOW ADHERE.

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EM SUBSTANTIVE PARTS OF PROPOSED REGULATIONS ARE IN THREE SCHEDULES: SCHEDULE III COVERING APPELLATIONS OF ORIGIN WHICH ARE DEFINED AND PROTECTED IN THE COUNTRY OF ORIGIN; SCHEDULE IV, QUASI-GENERIC NAMES WHICH MAY BE USED FOR THE PRODUCT OF ANY COUNTRY PROVIDED NAME IS QUALIFIED BY THE TRUE COUNTRY OF ORIGIN; AND SCHEDULE V, A PARTIAL LISTING OF INDICATIONS OF PROVENANCE BUT OMITTING ITEMS SUBJECT TO MULTILATERAL CONVENTIONS OR TO BILATERAL AGREEMENTS BY WHICH CANADA IS BOUND.

4. SCHEDULE III LISTS BOURBON UNDER UNITED STATES OF AMERICA AND SCHEDULE V LISTS IDAHO POTATOES UNDER IDAHO, U.S.A.

5. SCHEDULE III COVERS 255 WINES WHICH ARE PRODUCT OF FRANCE, E.G., BEAUJOLAIS, BORDEAUX, BURGUNDY, CHABLIS, CHAMPAGNE, SAUTERNE; 13 OF CZECHOSLOVAKIA; 14 OF ITALY; 13 OF HUNGARY; 18 OF ALGERIA; 3 OF PORTUGAL; 1 OF SPAIN AND 1 OF FRANCE OR GERMANY (MOSELLE); ALSO 28 SPIRITS, LIQUERS OF FRANCE, E.G., COGNAC: 1 (BOURBON) OF UNITED STATES; 2 OF HUNGARY, 1 OF IRELAND, 5 OF CZECHOSLOVAKIA AND 1 OF UNITED KINGDOM. ALSO COVERS CHEESES OF FRANCE, ITALY AND CZECHOSLOVAKIA; 6 MINERAL WATERS OF FRANCE, E.G., VICHY, AND 8 OF CZECHOSLOVAKIA; 4 BEERS OF CZECHOSLOVAKIA INCLUDING PILSENER; 18 TOBACCO AND TOBACCO PRODUCTS OF CUBA; 14 FOOD ITEMS OF FRANCE, CZECHOSLOVAKIA, HUNGARY AND ISRAEL, SUCH AS GRENOBLE NUTS OF FRANCE AND JAFFA CITRUS FRUIT OF ISRAEL.

6. SCHEDULE IV LISTS SHERRY WINE OF SPAIN, PORT WINE OF PORTUGAL; 19 CHEESES OF FRANCE, ITALY, SWITZERLAND, SWITZERLAND OR FRANCE, NORWAY, DENMARK, SWEDEN AND AUSTRIA, E.G., BRIE CHEESE OF FRANCE AND GRUYERE OF SWITZERLAND OR FRANCE.

UM SCHEDULE V LISTS ASTI AND CHIANTI WINES OF ITALY; 26 WINES OF SPAIN, SUCH AS TARRAGONA AND VALENCIA; 29 WINES OF PORTUGAL, SUCH AS TORRES VEDRAS; MARSALA WINE OF SICILY; MOSEL AND RHINE WINE OF GERMANY 2 CHEESES OF PORTUGAL; 6 CHEESES OF THE UNITED KINGDOM INCLUDING DERBY AND WILTSHIRE; CANADIAN WHISKEY OF CANADA; DEMERARA SUGAR AND RUM OF GUYANA; JAMAICA AND MONTEGO BAY RUM OF JAMAICA; WHITNEY BLANKETS AND SHEFFIELD FERROU PRODUCTS OF THE UNITED KINGDOM; SOLINGEN METAL OF GERMANY; DIJON AND DUSSELDORF MUSTARD; SWILL CHOCOLATE; MADRAS COTTON GOODS OF INDIA, TEQUILLA OF MEXICO AND CANADIAN BACON, AS WELL AS IDAHO POTATOES OF IDAHO, UNCLASSIFIED

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U.S.A.

8. OUR QUICK INITIAL READING OF PROPOSED REGULATIONS AND OUT DISCUSSIONS WITH OFFICIALS IN ITC AND CONSUMER AND CORPORATE AFFAIRS (C&CA) INDICATE THE EFFECT OF LISTING IN SCHEDULE II WILL BE TO PREVENT IMPORTATIONS OF SIMILAR PRODUCTS, NO MATTER HOW QUALIFIED THE NAMES, IF PRODUCT DOES NOT COME FROM COUNTRY INDICATED. FOR EXAMPLE, CHAMPAGNE IS INCLUDED IN SCHEDULE III AS A PRODUCT OF

FRANCE; AND THE PROPOSED REGULATIONS WOULD PROHIBIT THE USE OF THE WORD "CHAMPAGNE" ON IMPORTATIONS OF CALIFORNIA CHAMPAGNE. THE EFFECT OF SCHEDULE IV WILL BE TO REQUIRE THE PRODUCT, SUCH AS SHERRY, TO BE APPROPRIATELY QUALIFIED TO SHOW WHERE IT ORIGINATES, E.E., AUSTRALIAN SHERRY, DANISH CAMEMBERT. THE EFFECT OF SCHEDULE V WILL BE THE SAME AS OUTLINED ABOVE FOR SCHEDULE III.

9. GOC OFFICIALS HAVE TOLD EMBOFF IN RESPECT OF WINES THAT IN DRAWING UP REGULATIONS GOC WAS MERELY ATTEMPTING TO LIVE UP TO OBLIGATIONS TO FRANCE (1933 CANADA-FRANCE TRADE AGREEMENT). GOC OFFICIALS SAID ALSO THAT PROPOSED REGULATIONS SHOULD HAVE NO IMPACT ON AMERICAN WINES WHICH HAVE NO GEOGRAPHIC CONNOTATION IN NAME, E.G., PINOT NOIR WHICH IS NAME OF GRAPE, NOT A PLACE NAME.

10. EMBASSY IS AIR-POUCHING COPY OF PROPOSED REGULATIONS AND EXPLANATORY COMMUNIQUE TO WASHINGTON SOONEST. WE URGE COMMERCE DEPT TO BRING THESE TO ATTENTION OF AFFECTED US EXPORTERS WITHOUT DELAY, EMPHASIZING WRITTEN REPRESENTATIONS WITH RESPECT TO PROPOSALS CAN BE SUBMITTED UP TO SEPTEMBER 27, 1974, REPEAT SEPTEMBER 27, 1974, ADDRESSED TO J.B. SEABORN, ASSISTANT DEPUTY MINISTER, CONSUMER AFFAIRS, DEPARTMENT OF CONSUMER AND CORPORATE AFFAIRS, OTTAWA/HULL, CANADA K1A 0C9. IN ADDITION TO ENCOURAGING DIRECT REPRESENTATIONS BY AFFECTED US EXPORTERS, EMBASSY IS PREPARED, OF COURSE, TO MAKE OFFICIAL REPRESENTATIONS FOLLOWING RECEIPT OF INSTRUCTIONS FROM DEPARTMENT.

11. WE UNDERSTAND ITC IS ALREADY AWARE OF ADVERSE REACTIONS FROM CANADIAN PRODUCERS OF AFFECTED PRODUCTS.
PORTER

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